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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John J. Coogan, Jr., et al.

Examiner: Weber, Jon P.

Serial No.: 09/805,610

Group Art Unit: 1651

Filed: March 13, 2001

For: **MONOCHROMATIC FLUID TREATMENT SYSTEMS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In an Office Action dated July 14, 2003, the Examiner has set forth a restriction requirement under 35 U.S.C. § 121, requiring election of one of the following groups for further examination:

- I. Claims 1-9 and 16-21, drawn to a system for treating samples with non-laser (excimer) monochromatic light, classified in class 422, subclass 24;
- II. Claims 10-15, drawn to a non-laser (excimer) light source, classified in class 313, subclass 35; and
- III. Claims 22-32, drawn to a method for treating samples with non-laser (excimer) monochromatic light so as to destroy nucleic acid in microorganisms, classified in class 435, subclasses 173.1 and 173.2.

In response to the restriction requirement, Applicants hereby elect Group I for further examination, *with traverse*.


Applicants contend that restriction is improper because the search and examination of all claims in this application can be made without being a serious burden on the Examiner. Moreover, applicants respectfully submit that, at a minimum, the subject matter of Groups I and III derive from common subject matter, and may be searched and examined without being a serious burden on the Examiner. Thus, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-32 presently pending in this application be examined.

Applicants specifically reserve the right to pursue all non-elected claims through continuations and divisionals, as appropriate.

Applicants respectfully request prompt examination of the subject application in view of Applicants' election as set forth herein.

Respectfully submitted,

Date: September 12, 2003


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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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9/12/03
Date

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